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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.; and FEDERAL  
NATIONAL MORTGAGE ASSOCIATION,

Plaintiff,

v.

CHATEAU VERSAILLES CONDOMINIUM  
UNIT-OWNERS' ASSOCIATION, INC.; and  
NEVADA ASSOCIATION SERVICES, INC.,

Defendants.

Case No.: 2:16-cv-02879-APG-NJK

**STIPULATION AND ORDER OF FINAL  
JUDGMENT CONFIRMING VALIDITY  
OF DEED OF TRUST**

Plaintiffs Bank of America, N.A. (**BANA**) and Federal National Mortgage Association (**Fannie Mae**) and defendant Chateau Versailles Condominium Unit-Owners' Association, Inc., through their counsel of record, stipulate as follows:

1. This matter relates to real property located at 10550 West Alexander Road #2177, Las Vegas, Nevada 89129 (APN: 137-01-414-282) (the **Property**). The Property is more specifically described as:

**PARCEL ONE (1) UNIT:**

LIVING UNIT 2177, IN BUILDING 25, AS SHOWN ON THE FINAL MAP OF CHATEAU VERSAILLES CONDOMINIUMS, A CONDOMINIUM SUBDIVISION AND COMMON INTEREST COMMUNITY, ON FILE IN BOOK 123 OF PLATS, PAGE 34, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA (HEREINAFTER THE "PLAT").

1 PARCEL TWO (2) – COMMON ELEMENTS:

2 1/371 INTEREST AS A TENANT-IN-COMMON IN THE COMMON ELEMENTS  
3 SHOWN ON THE PLAT, IN ACCORDANCE WITH AND SUBJECT TO THE  
4 TERMS OF THE DECLARATION OF COVENANTS, CONDITIONS AND  
5 RESTRICTIONS FOR CHATEAU VERSAILLES CONDOMINIUMS RECORDED  
6 MARCH 25, 2005 IN BOOK 20050325 AS DOCUMENT NO. 0003861 IN THE  
7 OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA  
8 (HEREINAFTER THE "DECLARATION").

9 EXCEPTING THEREFROM, ALL UNITS SHOWN ON THE PLAT.

10 RESERVING THEREFROM, THE RIGHT TO USE ANY OF THOSE AREAS  
11 DESIGNATED AS LIMITED COMMON ELEMENTS IN THE PLAT AND/OR THE  
12 DECLARATION.

13 FURTHER RESERVING THEREFROM, FOR THE BENEFIT OF THE OWNERS  
14 OF ALL UNITS SHOWN ON THE PLAT (EXCEPT THE UNIT REFERRED TO IN  
15 PARCEL ONE (1) ABOVE), NON-EXCLUSIVE EASEMENTS FOR ACCESS,  
16 INGRESS, EGRESS, USE, ENJOYMENT AND OTHER PURPOSES ON, OVER  
17 AND ACROSS THE COMMON ELEMENTS, AS DEFINED IN, AND SUBJECT TO  
18 THE DECLARATION.

19 PARCEL THREE (3) LIMITED COMMON ELEMENTS:

20 THE EXCLUSIVE RIGHT TO USE, POSSESS AND OCCUPY THE FOLLOWING,  
21 SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION:

22 COVERED PARKING SPACE 102.

23 WHICH IS DESCRIBED AS A LIMITED COMMON ELEMENTS IN SECTION 5.2  
24 AND 5.3 OF THE DECLARATION AND WHICH IS APPURTENANT TO  
25 PARCELS ONE (1) AND TWO (2) DESCRIBED ABOVE.

26 TOGETHER WITH THE AREAS DESIGNATED AS LIMITED COMMON  
27 ELEMENTS, ALLOCATED TO PARCELS ONE (1) AND TWO (2) IN THE  
28 DECLARATION.

PARCEL FOUR (4) APPURTENANT EASEMENTS:

NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, USE,  
ENJOYMENT AND OTHER PURPOSES ON, OVER AND ACROSS THE  
COMMON ELEMENTS DEFINED IN AND SUBJECT TO THE DECLARATION,  
WHICH EASEMENTS ARE APPURTENANT TO PARCELS ONE (1), TWO (2)  
AND THREE (3) ABOVE.

2. BANA, on Fannie Mae's behalf, is the beneficiary of record of a Deed of Trust that encumbers the Property and was recorded with the Clark County Recorder on August 21, 2007, as Instrument No. 20070821-0002881 (the **Deed of Trust**).

3. On July 16, 2014, Chateau recorded a Foreclosure Deed with the Clark County Recorder, as Instrument No. 20140716-0002246 (the **HOA Foreclosure Deed**), reflecting that

1 Chateau purchased the Property at a foreclosure sale of the Property held on July 11, 2014 (the **HOA**  
2 **Sale**).

3 4. Chateau has not transferred its interest and is currently the title holder of record.

4 5. On December 13, 2016, BANA and Fannie Mae initiated an action for quiet title and  
5 damages against Chateau and Nevada Association Services, Inc. (**NAS**) in the United States District  
6 Court, District of Nevada, Case No. 2:16-cv-02879-APG-NJK.

7 6. BANA, Fannie Mae and Chateau have entered into a settlement agreement in which  
8 BANA and Fannie Mae have resolved all claims against Chateau.

9 7. The parties have agreed as part of their settlement agreement that the Deed of Trust  
10 survived and was not extinguished in any capacity by the HOA Sale or the recording of the HOA  
11 Foreclosure Deed. The Deed of Trust remains a valid encumbrance against the Property following the  
12 recording of the HOA Foreclosure Deed, and Chateau's interest in the Property is subject to the Deed  
13 of Trust. This stipulation is made for purposes of this action only and is not a waiver by any Party of  
14 its legal position in any other case or an admission of liability in this or any other action.

15 8. Based on this stipulation, BANA stipulates to dismissing its breach of NRS 116.1113  
16 and wrongful foreclosure claims against Chateau and NAS, with prejudice.

17  
18 This the 2<sup>nd</sup> day of June, 2020.

This the 2<sup>nd</sup> day of June, 2020.

19 **AKERMAN LLP**

**HALL, JAFFE & CLAYTON, LLP**

20 /s/ Holly E. Walker, Esq.

/s/ Ashlie L. Surur, Esq.

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25 *Attorneys for plaintiffs Bank of America, N.A.  
and Federal National Mortgage Association*

**ORDER**

Based on the above stipulation between plaintiffs Bank of America, N.A. (**BANA**) and Federal National Mortgage Association (**Fannie Mae**) and defendant Chateau Versailles Condominium Unit-Owners Association, Inc., the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 10550 West Alexander Road #2177, Las Vegas, Nevada 89129 (APN: 137-01-414-282) (the **Property**) on August 21, 2007, as Instrument No. 20070821-0002881, was not extinguished, impaired, or otherwise affected by the foreclosure sale conducted by Chateau on July 11, 2014, or the recording of the Foreclosure Deed in the Official Records of Clark County, Nevada on July 16, 2014, as Instrument No. 20140716-0002246, reflecting that Chateau purchased the Property at the HOA Foreclosure Sale. Chateau's interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that BANA and Fannie Mae shall be entitled to record this STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED BANA's breach of NRS 116.1113 and wrongful foreclosure claims against Chateau and Nevada Association Services, Inc., are dismissed with prejudice.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

Dated: June 3, 2020.




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UNITED STATES DISTRICT JUDGE

2:16-cv-2879-APG-NJK

(ECF No. 28)